VIOLATIVE SALES OF PRESCRIPTION DRUG

4061. Misbranding of dextro-amphetamine sulfate tablets. U. S. v. Community Cash Drug Stores and Douglas S. Slocum and Vera D. Lamy. Pleas of nolo contendere. Fine of $200 against firm, $50 against Defendant Slocum, and $50 against Defendant Lamy. (F. D. C. No. 33848. Sample Nos. 46539–L to 46542–L, incl.)

INFORMATION FILED: December 5, 1952, Eastern District of Louisiana, against the Community Cash Drug Stores, a partnership, Baton Rouge, La., and Douglas S. Slocum and Vera D. Lamy, pharmacists for the partnership.

NATURE OF CHARGE: On or about July 9 and 10, 1952, while quantities of *dextro-amphetamine sulfate tablets* were being held for sale at Community Cash Drug Stores, after shipment in interstate commerce, the defendants caused various quantities of the tablets to be dispensed without prescriptions from practitioners licensed by law to administer such drugs. This dispensing was contrary to Section 503 (b) (1) and resulted in the tablets so dispensed being misbranded while held for sale.

DISPOSITION: June 24, 1953. Pleas of nolo contendere having been entered by the defendants, the court fined the partnership $200, Defendant Slocum $50, and Defendant Lamy $50.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

4062. Misbranding of pentobarbital sodium capsules. U. S. v. David Young (Young's Pharmacy). Plea of guilty. Sentence of 1 year in jail and fine of $3,000. (F. D. C. No. 33799. Sample Nos. 6155–L, 6162–L, 6177–L, 6203–L, 6209–L.)

INFORMATION FILED: February 5, 1953, District of Massachusetts, against David Young, trading as Young's Pharmacy, Boston, Mass.

ALLEGED VIOLATION: On November 5, 6, 9, 10, and 12, 1951, while a number of *pentobarbital sodium capsules* were being held for sale at Young's Pharmacy, after shipment in interstate commerce, the defendant caused a number of the capsules to be dispensed without a physician's prescription, which act resulted in the capsules so dispensed being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the capsules which were dispensed failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the capsules which were dispensed failed to bear adequate directions for use.

DISPOSITION: Following the defendant's motion for a bill of particulars filed on March 3, 1953, the Government filed a bill of particulars. Thereafter, the defendant entered a plea of guilty, and on July 14, 1953, the court sentenced him to serve 1 year in jail and fined him $3,000.

4063. Misbranding of sulfadiazine tablets and dextro-amphetamine sulfate tablets. U. S. v. Ernest C. Buchanan (Lenoir Drug Co.). Plea of nolo contendere. Fine, $75. (F. D. C. No. 34366. Sample Nos. 4425–L, 4427–L, 4428–L.)

INFORMATION FILED: March 31, 1953, Eastern District of North Carolina, against Ernest C. Buchanan, trading as the Lenoir Drug Co., Kinston, N. C.

ALLEGED VIOLATION: On or about March 4 and April 23, 1952, while a number of *sulfadiazine tablets* and *dextro-amphetamine sulfate tablets* were being held for sale at the Lenoir Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Sections 502 (f) (1) and (2), the labeling of the repackaged drugs failed to bear adequate directions for use and adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

Further misbranding, Section 502 (e) (1), the label of the repackaged *sulfadiazine tablets* failed to bear the common or usual name of the drug.

DISPOSITION: April 13, 1953. A plea of nolo contendere having been entered by the defendant, the court fined him $75.

4064. Misbranding of sulfadiazine tablets, pentobarbital sodium capsules, and dextro-amphetamine sulfate tablets. U. S. v. Alexander L. Hogan (Hogan's Pharmacy). Plea of nolo contendere. Fine, $75. (F. D. C. No. 34814. Sample Nos. 3535–L, 3537–L, 4439–L.)

INFORMATION FILED: March 31, 1953, Eastern District of North Carolina, against Alexander L. Hogan, trading as Hogan's Pharmacy, Kinston, N. C.

ALLEGED VIOLATION: On or about April 18 and 23, 1952, while a number of *sulfadiazine tablets*, *pentobarbital sodium capsules*, and *dextro-amphetamine sulfate tablets* were being held for sale at Hogan's Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of these drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tables* and *dextro-amphetamine sulfate tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.